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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

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| AMERICAN STEEL & STAIRWAYS, INC.; |) | Case No. 12 cv 3103 JST |
| MARTIN VOLLRATH, an individual; and |) | |
| THOMAS VOLLRATH, an individual, |) | [The Honorable Jon S. Tigar] |
| |) | |
| Plaintiffs, |) | STIPULATION AND PROPOSED |
| |) | ORDER EXTENDING REMAINING |
| v. |) | CASE DEADLINES |
| |) | |
| LEXINGTON INSURANCE COMPANY, a |) | |
| Delaware corporation; INSURANCE |) | |
| COMPANY OF THE STATE OF |) | |
| PENNSYLVANIA, a Pennsylvania |) | |
| corporation; CHARTIS CLAIMS, INC., a |) | |
| Delaware corporation; and DOES 1 through |) | |
| 100, inclusive, |) | |
| |) | |
| Defendants. |) | |

Pursuant to Civil Local Rules 6-1 and 6-2 of the Northern District of California, Plaintiffs American Steel & Stairways, Inc. ("American Steel"), Martin Vollrath and Thomas Vollrath (collectively, "Plaintiffs") and Defendants Lexington Insurance Company ("Lexington") and Insurance Company of the State of Pennsylvania ("ISOP"), collectively, with Plaintiffs, the "Parties," by their undersigned attorneys, hereby stipulate and agree as follows:

1. The Parties have been actively engaged in fact discovery for the past two months, during which time they have propounded and/or responded to requests for admission, written

1 interrogatories and requests for production of documents. The Parties also have taken, and
 2 completed, oral depositions of American Steel owners Martin Vollrath and Thomas Vollrath,
 3 American Steel employee Nancy Vollrath, AIG Claims, Inc. employee Nancy Finberg, former
 4 AIG Claims, Inc. employee Jeff Hanson, American Steel's defense lawyer Alex Pevzner and
 5 Steadfast Insurance Company employee Doug Kaufman.

6 2. The Parties have met and conferred regarding American Steel's attempt to take
 7 Rule 30(b)(6) depositions of Lexington and ISOP, which Plaintiffs noticed on November 7,
 8 2013. Lexington and ISOP have agreed to produce their person(s) most knowledgeable on all
 9 but a handful of subjects identified by Plaintiffs, and it is anticipated that the depositions will
 10 proceed in mid to late January 2014. The Parties have agreed to meet and confer further
 11 regarding the few subjects that remain in dispute as the date for the depositions approaches.

12 3. Fact discovery has been cutoff per the Court's existing case management order,
 13 with the exception of the following per Court order: (a) fact discovery has been extended for
 14 Lexington and ISOP to respond to written discovery requests propounded by Plaintiffs, and the
 15 Court has permitted American Steel to augment its expert witness reports based on those
 16 responses which currently are due, per stipulation, on January 15, 2014; (b) fact discovery has
 17 been extended for American Steel to take the depositions of Lexington and ISOP's Rule 30(b)(6)
 18 witness(es).

19 4. The matter currently is scheduled for a pretrial conference on June 6, 2014, and a
 20 jury trial commencing June 23, 2014. The other current deadlines are:

- 21 a. Expert disclosures: January 24, 2014
- 22 b. Expert rebuttal: February 7, 2014
- 23 c. Expert discovery cutoff: February 21, 2014
- 24 d. Filing dispositive motions: March 14, 2014
- 25 e. Pretrial statement: May 27, 2014

26 5. Given the probable impact of the testimony of Lexington and ISOP's 30(b)(6)
 27 witness(es) on the claims handling issues in dispute, and given the time needed to prepare the
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1 witness(es) so that he/she/they may submit to meaningful depositions, the Parties believe it is in
2 the interests of justice that the date for disclosure of expert witnesses and expert reports be
3 extended eight (8) weeks, so that all fact discovery is completed sufficiently in advance of the
4 deadline for expert witness disclosures. At a minimum, American Steel will need additional time
5 because of the close proximity between the date that Lexington and ISOP's 30(b)(6) witness(es)
6 are likely to be produced and the date that expert witness disclosures and reports are now due.

7 7. Because of the impact of an extension of expert witness discovery on the pretrial
8 conference and trial dates, the Parties further request that the court continue all remaining
9 deadlines – i.e., dispositive motion cutoff, pretrial conference statement deadline, pretrial
10 conference and trial – by the same eight (8) weeks.

11 8. The Parties are scheduled for a further mediation with mediator Anne Goyette on
12 January 28, 2014. In addition to facilitating the interests of justice by extending the remaining
13 deadlines to accommodate the completion of Lexington and ISOP's 30(b)(6) witness(es), it
14 would facilitate the Parties' collective ability to focus on preparing for, and engaging in,
15 settlement negotiations during January 2014, in addition to completing the written discovery and
16 30(b)(6) depositions permitted by the Court.

17 11. None of the Parties will be prejudiced by the modification of the case deadlines as
18 requested by this stipulation. In fact, the Parties will benefit from a schedule that permits the
19 Parties' respective experts to prepare expert reports a reasonable amount of time after all fact
20 discovery has been completed.

21 12. If the Court is not inclined to grant the extension of the remaining case deadlines
22 on this stipulation, counsel for the Parties respectfully request that the Court set the matter for a
23 case management conference after January 10, 2014, so counsel may discuss with the Court the
24 status of the case, the progress they have made toward preparation for trial, and the practical
25 need for extending at least some deadlines to accomplish ultimate justice.

26 NOW, THEREFORE, the Parties hereby stipulate to extend the case deadlines for expert
27 disclosures, expert rebuttal, expert discovery cutoff, filing of dispositive motions, filing of the
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pretrial conference statement, pretrial conference and jury trial by eight (8) weeks, or however longer the Court deems appropriate based on the Court's calendar.

IT IS SO AGREED AND STIPULATED.

DATED: December 27, 2013

DATED: December, 27, 2013

SEDGWICK LLP

WILLOUGHBY, STUART & BENING

By: /s/ Traci M. Ribeiro
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By: /s/ Alexander F. Stuart
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INSURANCE COMPANY OF THE STATE
1 OF PENNSYLVANIA

Attorneys for Plaintiffs AMERICAN STEEL &
STAIRWAYS, INC., MARTIN VOLLRATH and
THOMAS VOLLRATH

THE COURT HEREBY SETS THE FOLLOWING NEW CASE DEADLINES:

Expert disclosures: March 21, 2014

Expert rebuttal: April 4, 2014

Expert discovery cutoff: April 18, 2014

Filing of dispositive motions: May 9, 2014

Pretrial conference statement: July 22, 2014

Pretrial conference: August 1, 2014 at 2:00 p.m.

Jury trial: August 18, 2014 at 8:30 a.m.

DATED: January 16, 2014


HONORABLE JON S. TIGAR
UNITED STATES DISTRICT COURT JUDGE